

State of California
California Regional Water Quality Control Board
Colorado River Basin Region

MINUTES OF BOARD MEETING

Thursday, November 9, 2017, 9:00 a.m. to 11:15 a.m.
California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive
Palm Desert, CA 92260

CALL TO ORDER

The California Regional Water Quality Control Board, Colorado River Basin Region, was called to order by Chair Nancy Wright at 9:00 a.m. on November 9, 2017, in Palm Desert, California.

PLEDGE OF ALLEGIANCE

ROLL CALL (Board Members only)

Nany Wright, Buford Crites, Tom Davis, Ed Muzik, Jayne Powell, were present.
The Board Clerk stated that a quorum was present.

Regional Water Board Counsel: Adriana Nuñez

State Water Board Liaison: Joaquin Esquivel

Regional Board Staff Present:

Jose Angel, Frank Gonzalez, Abdi Haile, Mary Castañeda, Doug Wylie, Joan Stormo, Nadim Shukry-Zeywar, Kai Dunn, Jeff Geraci, Jeong-Hee Lim, Cathy Sanford, Maria Davydova, Scott Stormo

Others Present:

David Daniels, Morongo Unified School District
Tom Baumgarten, Morongo Unified School District
Gustavo Pantoja, Seeley County Water District
Paul Cicarilli, Office of Enforcement, State Water Resources Control Board
Lily Garcia, Public
Omar Garcia, Public

1. Approval of Minutes

Minutes of July 25, 2017 Priorities Workshop
Minutes of September 21, 2017 Board Meeting

Motion: Buford Crites moved, Tom Davis seconded, and the motion was carried unanimously to adopt minutes.

2. Public Forum

Tom Baumgarten, Superintendent of Morongo Valley Unified School District (School District) addressed the Board to express his concerns on the costs of the centralized sewer system fees for his schools in the Town of Yucca Valley. The Hi-Desert Water District (Water District) is building a

centralized sewer collection and treatment system for the Town. He added that although it is important to be connected to the sewer system [to protect the environment], the sewer costs take funds away from other areas where the School District needs the funds (e.g., for teachers). He stated that he would like to explore any other avenues that would soften the costs and that he is ready to work with the Regional Water Board towards that end.

Jose L. Angel, Executive Officer, thanked Mr. Baumgarten for attending the meeting. Mr. Angel stated he will be working closely with the School District and Water District to look for additional opportunities to obtain more funding for the Water District's sewer project. He mentioned that the State Water Board recently approved additional money for economically disadvantaged communities and that project qualifies for this funding. He added that he will be meeting with the School District and Water District to follow up on the matter. Board members thanked the School District and agreed it was a great idea to meet with Board staff to explore funding assistance and options.

Uncontested Items

3. R7-2017-0016 - National Pollutant Discharge Elimination System (NPDES) and Waste Discharge Requirements for Seeley County Water District, Seeley County Wastewater Treatment Plant, Seeley – Imperial County *[Jeong-Hee Lim]*

Motion: Ed Muzik moved, Tom Davis seconded, and the motion carried unanimously to adopt Board Order R7-2017-0016.

4. R7-2017-0033 - Resolution on 2017 Basin Plan Triennial Review of the Basin Plan for the California Regional Water Quality Control Board, Colorado River Basin Region *[Jeff Geraci]*

Jeff Geraci (Senior Environmental Scientist) presented a summary of the following 2017 Basin Plan Triennial Review of the Basin Plan:

1. Evaluate Potential Sources of Nitrates in Prioritized Basins.
2. Establish [TDS] Water Quality Objectives for Groundwater Throughout the Coachella Valley.
3. Review of Municipal Beneficial Use Designation in Groundwater with High Salinity.
4. Revise Beneficial Use Designation to Correspond with Individual Groundwater Basins and Aquifers.
5. Assess the Potential for Bioaccumulation of Selenium, Mercury, Pesticides, PCBs and PBDEs in Constructed Wetlands.
6. Conduct Regular Monitoring for Cyanotoxins Caused by Harmful Algal Blooms (HABs) at Popular Salton Sea Recreation Areas.
7. Incorporate Revised 2012 U.S. EPA Recreational Water Quality Criteria for Bacteria.
8. Assess Beneficial Uses of Constructed Wetlands In Imperial and Coachella Valleys.
9. Assess Increasing Trend in Chlorpyrifos and Pyrethroid Pesticide Detections and Associated Toxicity in Agricultural Drains.
10. Identify Sources of Ammonia that are Causing Toxicity in the Coachella Valley Storm Water Channel (CVSC).
11. Make Monitoring Preparations for Establishing Baseline Conditions for Sediment and Water Quality for the Proposed Aquatic Habitats at Salton Sea.
12. Update the Basin Plan Discussion Concerning New River Developments and Projects.
13. Update Salton Sea Discussion and Associated Information Contained in the Basin Plan.
14. Correct General Errors and Outdated or Obsolete Information Contained in the Basin Plan.

Mr. Geraci also presented the estimated resources and time that it would take to complete each of the proposed issues. He stated that revisions were made to the staff report, based on Board input and comments received from U.S. EPA. Mr. Angel stated that the comments from U.S. EPA were generally supportive of the Board's Triennial Review priorities and that Board staff included some of the issues that U.S. EPA was recommending.

Ms. Powell inquired as to the ideal time to effectively and efficiently complete [Issue 1]. Mr. Angel replied that it is contingent on the amount of resources available, but he believes that allocating resources geographically would be essential to complete that issue as soon as possible. Mr. Crites asked, setting aside all things that staff cannot control, how much time is needed to complete it in the most efficacious fashion and what kind of resources allocation would it take. Mr. Angel stated he would estimate that it would take about 2 years maximum per area if the office could get an extra 1.5 PYs. Ms. Powell asked about a previous suggestion on getting volunteer college students to assist with this task as a school project. Mr. Angel stated that the State Water Board currently allows paid students, but that he will look into this matter further.

Mr. Crites asked what happens to the mercury issue if nobody is assigned to it or available to complete it within six months. Mr. Geraci responded by stating that it gets carried over to the next Triennial Review cycle. Ms. Powell asked about the process to adopt the criteria. Mr. Geraci responded that it would be similar to the Basin Plan amendment process. Mr. Angel added that it would actually be less effort than adopting a typical Basin Plan amendment [that needs to be peer reviewed] because in this case the criteria would be adopted by referencing them in the Basin Plan. Mr. Davis asked if U.S. EPA has different priorities than the ones recommended by Board staff. Mr. Geraci responded that U.S. EPA was in agreement with the Board staff's recommendations. Mr. Davis commented that he supports the work Board staff is doing, but that he has concerns about [lack of additional State Water Board and federal funding] to support the work that staff is doing [and needs to do] on the Salton Sea.

Mr. Angel summarized by stating that his priority is to secure resources to complete the proposed work on groundwater and for the Salton Sea. He recommended adoption of the Triennial Review as recommended by Board staff.

Motion: Ed Muzik moved, Jayne Powell seconded, and the motion carried unanimously to adopt Board Resolution R7-2017-0033 with Errata.

5. R7-2017-0032 - Resolution Delegating Authority to Executive Officer to Approve Mandatory Minimum Penalty Settlements on behalf of the Colorado Regional Water Quality Control Board
[Jose Angel, Paul Ciccarelli]

Mr. Angel presented the staff report on the proposed Resolution. He started by discussing the current formal enforcement powers the Board has delegated to its Executive Officer (EO), including Investigative and Cleanup and Abatement Orders, Water Quality Certifications, and Administrative Civil Liability (ACL). Regarding ACLs, he stated that historically the Region 7 EO has issued ACL Complaints for mandatory minimum penalties (MMPs) and discretionary penalties. He added that even though issuing an ACL Order is within the currently delegated authorities, historically it has not been used by the EO. Moreover, he stated that the proposed Resolution clarifies ACL authority, and if approved by the Board, would:

1. Authorize the EO to use the Expedited Payment Letter (EPL) process to settle an ACL Complaint and/or issue a Stipulated ACL Order or Settlement Agreement in MMP cases, where the case requires no hearing and the liability sought is less than or up to \$51,000;
2. Authorize the EO to exercise the authority described above, in matters involving liability in excess of \$24,000, but not exceeding \$51,000, if after consultation with the Colorado River Basin Water Board Chair (Chair), it is determined that the proposed settlement or order is not controversial, and would not likely generate significant debate among the full Board or the public;

3. Prohibits the EO from settling ACL Complaints and holding evidentiary hearings on ACL Complaints that seek to impose discretionary liability in any amount; and
4. Directs the EO to bring the following types of civil liability matters to the attention of the Colorado River Basin Water Board at a public Board meeting or by other appropriate communication:
 - a. Matters of a unique or unusual nature;
 - b. Matters involving significant policy questions;
 - c. Highly controversial matters;
 - d. Matters known or believed to involve a substantial risk of litigation; and
 - e. Any matter that a Colorado River Basin Water Board member requests to be brought to the attention of the Board.

Mr. Angel stated that the EPL process and above-mentioned delegated authority should increase office efficiency, resolve backlogs in enforcement actions, and alleviate certain burdens on Colorado River Basin Water Board staff. Subsequently, he recommended adoption of Resolution R7-2017-0032.

Regarding Paragraph 2.b in the Resolution, Mr. Crites suggested that the Resolution be modified to allow the Chair to appoint a designee in her absence. Regarding Paragraph 3 in the Resolution, he suggested that the matters be brought to the attention of the Board via written notification and that the EO provide periodic reports to the Board. Mr. Angel added that he could provide quarterly reports to the Board. Regarding Paragraph 2.b in the Resolution, Mr. Muzik also suggested removing the text that reads "or Order is not controversial," because that phrase is subjective. Board Counsel Ms. Nunez stated that the recommended changes be included via an Errata for the Resolution.

Paul Cicarelli, Attorney with the Office of Enforcement, introduced himself and was available to answer any specific questions that the Board may have regarding this more efficient settlement process. Mr. Crites asked Mr. Cicarelli if he was comfortable with the changes the Board suggested for this Resolution. Mr. Cicarelli responded that he was and stated that the language of "non-controversial" is included in many resolutions that other regional water boards have adopted regarding the delegation of authority to adopt a Stipulated Administrative Civil Liability Order. Ms. Nunez read the Errata with the changes recommended by Mr. Crites and Mr. Muzik and the quarterly reporting mentioned by Mr. Angel.

Motion: Buford Crites moved, Ed Muzik seconded, and the motion carried unanimously to adopt Board Resolution R7-2017-0032 with Errata.

OTHER BUSINESS

6. Informational Update: New River Improvement Project
[Frank Gonzalez]

Mr. Gonzalez provided an update on the New River Improvement Project Strategic Plan's recommendations for the Calxico area. The recommendations are composed of three components: a conveyance system, trash screen, and pump-back system. He stated that the State Water Board issued a Request for Proposals for a \$1.4M contract for the preparation of engineering plans and specifications and environmental documentation for the three components. He added that he expects interviewing qualified applicants in January 2018.

7. Informational Update: State Water Resources Control Board Activities
[Adriana Nuñez, Joaquin Esquivel]

Ms. Nuñez announced that Ms. Katharine Buddingh, a new attorney from the Office of the Chief Counsel, has been assigned as Region 7 counsel and will begin working for the region in December 2017.

8. Colorado River Basin Water Board Executive Officer's Report
[Jose L. Angel, P.E.]

Mr. Angel reported that:

- Last month, the State Water Board adopted an Order in response to the petition that Imperial Irrigation District (IID) filed regarding the water transfer order (Order WRO 2002-0013). He stated that the new Order specifies a time schedule for the Natural Resources Agency to implement its 10-Year Plan, which is part of the Agency's Salton Sea Management Program.
- Senate Bill 5 was passed by the Legislature and signed by the Governor into law. The bill sets aside approximately \$200 million for management/restoration of the Salton Sea.
- He attended a community meeting in Niland, regarding the status of the Niland Sanitary District and its outstanding liabilities. Imperial County LAFCO has recommended that the District be dissolved [because of its lack of institutional capacity and outstanding liabilities]. He added that Imperial County is deciding whether to form a new special district to take over the District's wastewater collection and treatment system.
- He has attended several meetings at the slaughterhouse in Brawley to discuss permitting matters.
- He attended the annual Environmental Health Leadership Summit in Heber on November 2 and 3, 2017. He added that, as part of the summit, the Joint Legislative Committee on Climate Change Policies and Assembly Committee on Natural Resources held a legislative hearing on the Salton Sea, and that he presented testimony during the hearing.
- Lastly, Mr. Angel welcomed and introduced Mr. Scot Stormo, who recently joined Region 7 as an Engineering Geologist. The Board welcomed Scot into the organization, and several Board members stated that they have worked with Mr. Stormo previously.

9. Colorado River Basin Water Board Member Comments

Mr. Davis expressed his thanks to Ms. Nunez for her counsel and guidance, and all Board members applauded her efforts. Mr. Crites thanked Mr. Muzik, Mr. Angel, and Ms. Mary Castaneda for arranging and participating in the Colorado River Aqueduct Tour provided by Metropolitan Water District. Both Mr. Crites and Mr. Muzik stated it was an excellent tour.

10. Colorado River Basin Water Board Chair's Report

Chair Wright thanked Mr. Geraci and Mr. Angel for the Salton Sea presentation at the Water Quality Coordinating Committee meeting, which was held in October 2017 in Sacramento. She stated that their presentations received good reviews and that meeting participants expressed significant interest in the topic. Chair Wright led a discussion on the venues and starting times for Board meetings:

- The Board changed the starting time for the proposed June Board Meeting in Yucca Valley to 9:30 am;
- The Board changed the location for the September Board Meeting to Palm Desert.
- The Board members agreed that the November Board Meeting will be held in Imperial Valley (exact location TBD).

11. Closed Session

There was no closed session.

Meeting adjourned at 11:15 a.m.